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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 DRANOEL ENAJ BROWN,

8 Plaintiff,

9 v.

10 KING COUNTY, *et al.*,

11 Defendants.

Case No. C16-1332-JCC-JPD

ORDER DENYING PLAINTIFF'S
MOTION FOR AN ORDER
COMPELLING DISCOVERY

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13 This is a civil rights action brought under 42 U.S.C. § 1983. This matter comes before
14 the Court at the present time on plaintiff's motion for an order compelling discovery and on
15 plaintiff's third motion for appointment of counsel. Defendants have filed a response to
16 plaintiff's motion for counsel, but not to plaintiff's motion to compel. The Court, having
17 reviewed plaintiff's motions, all briefing of the parties, and the balance of the record, hereby
18 finds and ORDERS as follows:

19 (1) Plaintiff's motion for an order compelling discovery (Dkt. 35) is DENIED.
20 Plaintiff, by way of the instant motion, seeks an order compelling the Washington Department of
21 Corrections (DOC) to perform a magnetic resonance imaging (MRI) scan on his right knee.
22 Plaintiff claims that such a test may reveal the extent of the injury to his right leg and
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1 substantiate his claim that he was unable to walk or stand while in the custody of King County.
2 However, the DOC is not a party to this lawsuit and, thus, the Court has no authority to direct its
3 actions. Plaintiff, of course, has a constitutional right to receive necessary medical care while in
4 the custody of the DOC, and such care may include appropriate diagnostic testing. If plaintiff
5 believes he is not receiving such care, he may raise those issues through the institutional
6 grievance process at his DOC facility, or in a separate lawsuit. However, the DOC cannot be
7 required to, in essence, create discovery for plaintiff simply for use in litigating this action
8 against King County and its employees.

9 (2) Plaintiff's third motion for appointment of counsel (Dkt. 36) is DENIED. The
10 Court denied two previous requests for counsel on the grounds that plaintiff had not
11 demonstrated the case involves exceptional circumstances warranting the appointment of
12 counsel. (*See* Dkt. 8 at 2; Dkt. 17.) At the time plaintiff's prior requests for counsel were
13 denied, plaintiff had yet to submit a viable complaint to the Court. Plaintiff subsequently
14 submitted a second amended complaint which was ordered served on defendants. (*See* Dkts. 21,
15 22 and 23.) Plaintiff appears to assert that the Court's decision to serve his pleading
16 demonstrates that his claims are potentially meritorious which, in turn, establishes that
17 exceptional circumstances exist warranting the appointment of counsel. (*See* Dkt. 38.) Plaintiff
18 maintains that he now needs expert witnesses, and other resources unavailable to him as a
19 prisoner litigant, in order to support his claims, and that he needs a lawyer to present evidence
20 and examine witnesses. (*See id.* at 2.)

21 The Court's decision to serve plaintiff's second amended complaint on defendants was
22 based on its determination that plaintiff had met basic pleading requirements sufficient to allow
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1 this action to proceed. The decision was not based upon any assessment of the merits of
2 plaintiff's claims and, in fact, at this juncture there is still insufficient information in the record
3 for the Court to make such an assessment.

4 Plaintiff has clearly demonstrated an ability to articulate the legal and factual bases of his
5 claim without the assistance of counsel. And, while litigating an action from within the confines
6 of a correctional facility unquestionably presents challenges, plaintiff should have access to
7 sufficient resources to adequately research his claims and to conduct any necessary discovery. In
8 sum, plaintiff has not demonstrated that this case involves exceptional circumstances which
9 warrant the appointment of counsel at this time.

10 (3) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
11 defendants, and to the Honorable John C. Coughenour.

12 DATED this 11th day of July, 2017.

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14 JAMES P. DONOHUE
15 Chief United States Magistrate Judge
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